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SENATE

REPORT
No. 1935

ANTONIO AND FRANCESCO LO SCHIAVO

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4128]

The Committee on the Judiciary, to which was referred the bill (H. R. 4128) for the relief of Antonio and Francesco Lo Schiavo, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor adopted children of a United States citizen the status of nonquota immigrants which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiaries of the bill were born in Italy, on July 17, 1938 and June 29, 1941, respectively. The father of the children is a legally resident alien who is married to a United States citizen. He was never married to the natural mother of the children and has legally adopted them. The mother is deceased.

A letter dated March 5, 1952, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to the case reads as follows:

MARCH 5, 1952.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 4128) for the relief of Antonio and Francesco Lo Schiavo, aliens. The bill would make the beneficiaries eligible for a nonquota status in the issuance of an immigration visa.

The files of the Immigration and Naturalization Service of this Department disclose that these aliens, brother and sister, are natives and citizens of Italy who were born on July 17, 1938, and June 29, 1941, respectively. They have never been in the United States and presently reside in Italy.

According to information included in the files of the Immigration and Naturalization Service, the natural father of these aliens is Mr. Paul Lo Schiavo, who is a native and citizen of Italy born on May 30, 1916. He entered the United States in 1947 and subsequently effected adjustment of his immigration status through suspension of deportation proceedings. He is married to a native born citizen of the United States.

Mr. Lo Schiavo, the father of the beneficiaries of this bill, was never married to their natural mother. She is deceased. In 1945 Mr. Lo Schiavo legally adopted the children and contributes \$45 monthly toward their support. The children presently are being cared for by an aged grandfather in Italy. Both Mr. Paul Lo Schiavo and his wife desire to have these children live in the United States with them. Mr. and Mrs. Lo Schiavo both are gainfully employed and their weekly income is approximately \$85.

The quota for Italy to which the aliens are chargeable is oversubscribed and immigration visas are not readily obtainable. The children, therefore, in the absence of special legislation, may not be allowed to enter the United States for permanent residence at this time.

Whether, under the circumstances in this case, the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which the Department of Justice prefers not to make any recommendation.

Sincerely,

A. DEVITT VANECH,
Deputy Attorney General.

Congressman John J. Rooney, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and submitted numerous letters from friends of the adoptive parents of the children requesting that the bill be given favorable consideration.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4128) should be enacted.

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